

1 Steve Salvador Ybarra

2 Pro Se Litigant

3 Minnesota | California

4 TheoryWerkx.com

5 Tel: 612.544.4380

6 Steve@TheoryWerkx.com

RECEIVED

MAY 13 2025

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

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8
9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF MINNESOTA
11

12 Steve Salvador Ybarra
13 Self-Represented
14 Pro Se Litigant,

15 Plaintiff,

16 v.

17 Legal Assistance of Dakota County;
18 Sharon Jones Esq., in her Individual and
19 Official capacities;
20 Hon. David Lutz, in his individual and
21 Official capacities;
22 Hon. Tanya Obrien, in her individual and
23 official capacities;
24 Hon. Dannia L Edwards, in her individual
25 and official capacities;
26 Lydia Clemens, in her individual and
27 official capacities;
28 Michelle Cathleen Ybarra,

Defendants.

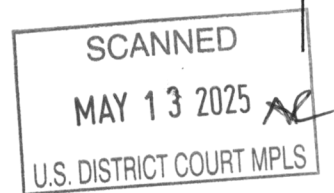
No. . 0:25-cv-01948-KMM-DJF

**NOTICE OF DEFENDANT NON-
APPEARANCE AND PENDING DEFAULT
RISK**

24 Plaintiff Steve Salvador Ybarra respectfully submits this Notice to inform the Court of material
25 procedural developments in the above-captioned matter. To date, none of the named
26

27 Defendants—Legal Assistance of Dakota County (LADC), Sharon Jones, Esq., Hon. David Lutz,

28 Hon. Tanya O'Brien, Hon. Dannia L. Edwards, Lydia Clemens, or Michelle Cathleen Ybarra—



1 have entered an appearance through counsel, filed an answer, or otherwise responded to the
 2 Verified Complaint filed on April 30, 2025 and served on or before May 2, 2025.

3 This silence is particularly troubling in light of the seriousness of the claims, which include:

- 4 • Fraud upon the court (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238
 5 (1944));
- 6 • Ongoing due process violations (*Mathews v. Eldridge*, 424 U.S. 319 (1976));
- 7 • Judicial bias and failure to recuse (*Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868
 8 (2009));
- 9 • First Amendment retaliation for filing protected pleadings (*Christopher v. Harbury*, 536
 10 U.S. 403 (2002));
- 11 • Violations of 42 U.S.C. §§ 1983, 1985(2), and 18 U.S.C. § 1962(d).

12 Despite formal notice and service, none of the parties have filed:

- 13 • A motion to dismiss under Rule 12;
- 14 • An answer under Rule 8;
- 15 • A motion for extension of time to respond under Rule 6(b).

16 **Legal Aid of Dakota County and Sharon Jones** continue to act in the state proceeding while
 17 under active federal complaint, a direct conflict of interest that remains unaddressed.

18 **Judge David Lutz**, a named Defendant, has continued to preside over proceedings in State Case
 19 No. 19AV-FA-24-839, despite acknowledged prior affiliation with LADC and his own statement
 20 that he will "stand down" only if this Court issues an injunction.

21 **Lydia Clemens**, similarly named, has not sought removal or clarification regarding her federal
 22 exposure, and continues participating as Guardian ad Litem.

23 This notice is submitted to preserve the record and respectfully request that this Court:

- 24 1. Take judicial notice under Fed. R. Evid. 201 of Defendants' non-appearance and the

1 procedural posture;

- 2 2. Set a status conference or deadline for Defendants to appear or risk default under Fed. R.
3 Civ. P. 55(a);
4
5 3. Consider this silence as further indication of entrenched misconduct and evasive conduct
6 warranting equitable relief.

7 Respectfully submitted,

8 /s/ **Steve Salvador Ybarra**

9 Steve Salvador Ybarra

10 Pro Se Litigant

11 California | Minnesota

12 Email: Steve@TheoryWerkx.com

13 Phone: (612) 544-4380
14

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on **May 12, 2025**, I served a true and correct copy of the attached:

17 **NOTICE OF DEFENDANT NON-APPEARANCE AND PENDING DEFAULT**

18 **RISK**
19

20 upon the following parties by email and/or U.S. Mail:

- 21 • **Legal Assistance of Dakota County**

22 Email: admin@dakotalegal.org

- 23 • **Sharon Jones, Esq.**, in her individual and official capacities

24 Legal Assistance of Dakota County

25 Email: sjones@dakotalegal.org

- 26 • **Hon. David Lutz**, in his individual and official capacities

27 Dakota County District Court
28

1 1560 Highway 55, Hastings, MN 55033

2 Email: Raymond.mestad@courts.state.mn.us

- 3 • **Hon. Tanya O'Brien**, in her individual and official capacities

4 Dakota County District Court

5 1560 Highway 55, Hastings, MN 55033

6 Email:

- 7 • **Hon. Dannia L. Edwards**, in her individual and official capacities

8 Dakota County District Court

9 1560 Highway 55, Hastings, MN 55033

10 Email:

- 11 • **Lydia Clemens**, Guardian ad Litem, in her individual and official capacities

12 First Judicial District GAL Program

13 Email: Lydia.clemens@courts.state.mn.us

- 14 • **Michelle Cathleen Ybarra**, Respondent

15 Email: shellbell@hotmail.com

16 This notice was served to all named parties via email where available and U.S. Mail where
17 necessary, consistent with Fed. R. Civ. P. 5(b) and Local Rule 7.1.

18 Respectfully submitted,

19 /s/ **Steve Salvador Ybarra**

20 Pro Se Litigant

21 Steve@TheoryWerkx.com

22 (612) 544-4380

23 Executed May 12, 2025